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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

November 24, 2010

Gino Foianini
1248 CO RD 238
Lyman, WY 82937

RE: SEAA 1413 Measuring Device Notice

Dear Mr. Foianini:

The Gregory Canal Flume is not large enough to measure all your water deliveries. As the owner of the junior water right, you are responsible for the increase in flume capacity necessary to measure the total water delivery into the Gregory Canal.

You received an order (SEAA1330 issued July 7, 2010) to cease using water until after your canal turnout control structures are upgraded according to the schedule. You proposed and we agreed that you would continue diverting water only if you upgrade your last (farthest-downstream) canal turnout headgate this year. This subject canal turnout headgate was not upgraded and water was diverted under your water rights this year. This is contrary to our understanding of the work you agreed to complete, and work that was required under SEAA 1330.

In order to achieve substantial compliance with SEAA 1330 and to continue diverting water in the Gregory Canal, you must (1) upgrade two specified turnouts with acceptable (waterman or similar) equipment *before diverting water* next season and (2) upgrade one additional headgate each year thereafter *before diverting water in 2012 and in 2013* until the four headgates requested by the commissioner are all upgraded.

If you install the new headgates according to this schedule and are thereby able to divert water next season or in the future, all the water diverted into the canal must also be properly measured. This requires additional work on the flume as outlined in the enclosed Notice (SEAA 1413). If you have questions, please call Robert Leake, Regional Engineer, at (435) 781-5327 or myself at (801) 538-7469.

Sincerely,

Ben Anderson, P.E.
Water Rights Distribution Engineer

Enclosure

cc: Robert Leake, Regional Engineer
Jade Henderson, Wyoming State Engineer's Office
Todd Covolo, Henrys Fork Tributaries Water Commissioner

